## REMARKS

Claims 1-19 are pending in the application. Claims 1-5, 8, 9, 12, 13, 15, 16, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco (U.S. 2005/0166224) in view of Klosterman et al. (U.S. 2001/0013124). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Ten Kate et al. (U.S. 6,601,237). Claims 7, 10, 11, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Picco et al. (U.S. 6,029,045). Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Kunkel et al. (U.S. 2002/0056093).

Applicants respectfully request reconsideration in light of the remarks presented below.

***Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman***

Claims 1-5, 8, 9, 12, 13, 15, 16, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. Applicants respectfully traverse the rejection.

As admitted in the Office action, Ficco does not disclose simultaneously transmitting a plurality of data streams. However, the Office action further states that Klosterman discloses simultaneously broadcast television channels, and that it would have been obvious to combine Ficco and Klosterman "in order to save storage space." (Office action at page 6.) Applicants respectfully disagree. In the first instance, Ficco does not disclose create a personalized advertisement template comprising a plurality of media slots. Ficco discloses adapting an already-made advertisement by "replac[ing] a portion or segment of the advertisement with a selected ad segment. The replacement ad segment is selected in such as was as to better match

the final advertisement to a particular recipient." Ficco, para. 0009. Ficco discloses simply altering an advertisement that is already constructed by overlaying a new section of content over a portion of the pre-existing advertisement.

Applicants submit this is fundamentally different than the method and systems of creating a personalized advertisement by inserting multiple media segments into a template to create a completely customized advertisement. Claims 1, 16 and 19 require assembly of a personalized advertisement by inserting media segments that are simultaneously streamed and are synchronized to begin and end at the same time into an advertisement template. Applicants submit that there is no streaming taking place in the Ficco system at all. The ad content of Ficco is preloaded on the memory device using a "loading process." Ficco, para. 0037. The system of Ficco does not teach how to handle or synchronize streaming media segments as required by Applicants' claims.

The Office Action states that Ficco discloses media segments synchronized to begin and end at the same time, however, the synchronization discussed in Ficco is the synchronization of the advertisement with the "remainder of the broadcast content." According to Ficco, "A synchronization detector 50 receives an input from the broadcast feed 5 and outputs a control signal to multiplexer 40. For example, at least some broadcast advertisements begin with a particular tone or other synchronization signal that is detected by synchronization detector 50. Upon detection thereof, a control signal is sent to multiplexer 40 so that the selected advertisement segment can be synchronized with the remainder of the broadcast content." Ficco, para 0045; *see also* Ficco, para 0046-47, para. 0063-65, and para 0075.

Ficco does not discuss streaming multiple media segments simultaneously wherein the media segments are synchronized to begin and end at substantially the same time. If Ficco does

not stream multiple media segments simultaneously, as the Office action admits, it cannot have media segments with synchronized beginning and end times. While Klosterman does disclose streaming multiple channels simultaneously, each channel containing alternative whole programming, Klosterman does not address the issue of synchronizing individual media segments that begin and end at substantially the same time. Klosterman discloses streaming entire alternative channels (e.g. FOX1, FOX 2, FOX3) carrying alternative programming and sending a tuner signal to invisiably change the channel to alternative programming. In fact, Klosterman's only disclosure of synchronization is the "timing of the insertion of the channel change command in the VBI is coincident with the beginning of an advertisement." Klosterman, para. 0039. This is fundamentally different than synchronizing multiple media segments that make up an advertisements where the media segments have substantially the same begin and end times.

Applicants respectfully submit that independent claims 1, 16 and 19 are patentably distinct and in condition for allowance. Applicants further submit that dependent claims 2-15 and 17-18, by virtue of depending from allowable base claims, are also in condition for allowance.

***Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman and Ten Kate***

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Ten Kate et al. Applicants respectfully disagree. As explained above, because independent claim 1 is not obvious, dependent claim 6 cannot be obvious. Applicants respectfully submit that claim 6, by virtue of its dependence from an allowable base claim, is in condition for allowance.

***Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman and Picco***

Claims 7, 10, 11, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Picco et al. Applicants respectfully disagree. As explained above, because independent claims 1 and 16 are not obvious, dependent claims 7, 10, 11, and 17 cannot be obvious. Applicants respectfully submit that claims 7, 10, 11, and 17, by virtue of their dependence from allowable base claims, are in condition for allowance.

***Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman and Kunkel***

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Kunkel et al. Applicants respectfully disagree. As explained above, because independent claim 1 is not obvious, dependent claim 14 cannot be obvious. Applicants respectfully submit that claim 14, by virtue of its dependence from an allowable base claim, is in condition for allowance.

## CONCLUSION

In view of the foregoing, Applicants respectfully submit that all claims are in condition for allowance and respectfully request favorable action by the Examiner in the form of a Notice of Allowance.

If a telephonic interview would expedite the favorable prosecution of the present application, the undersigned attorney would welcome the opportunity to discuss any outstanding issues, and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,

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